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COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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August 8, 2007

Bridget S. Brown, Esq.
Legal Services
Kentucky Education Association
401 Capital Avenue
Frankfort, Kentucky 40601

Re: Superintendent screening committees

Dear Ms. Brown:

Although this letter is not a formal opinion of this office, we hope the views expressed will be of some assistance. You have asked whether KRS 160.352(3)'s reference to "teachers" and "principals," in the context of electing the members of a screening committee for a school superintendent, applies to all persons who are certified to be teachers or principals, or only to those who hold a teaching or principal position at the time. The specific situation is that persons employed as school administrators, who are also certified to be teachers, have sometimes served on these screening committees as "teacher" representatives and have also voted as "teachers" in such elections.

The terms "teacher" and "principal" are not specifically defined for purposes of KRS 160.352. This statute was originally enacted in 1990 as part of the Kentucky Education Reform Act ("KERA"). "[I]nterrelated sections ... enacted as parts of a single integrated statute ... must be construed in harmony with each other." *Daviess Co. v. Snyder*, 556 S.W.2d 688, 691 (Ky. 1977). In this case, however, there are no fewer than five separate definitions of "teacher" used in different parts of KERA, most of which are inconsistent with each other, and none of which is applicable to the section in question.

Since there is no specific definition for "teacher" or "principal" that applies to KRS 160.352, we are compelled by KRS 446.080(4) to resort to the com-



mon usage of those terms. A teacher, therefore, is “[o]ne who teaches, especially one hired to teach,” while a principal is “[o]ne who holds a position of presiding rank, especially the head of an elementary school or high school.” AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, 4th ed. (2006) (online edition). For purposes of KRS 160.352, then, “teachers” should be regarded as those who are actually employed in teaching positions, and “principals” as those who are actually serving as school principals.

This conclusion is underscored by another section of KERA, in which the term “teacher” is likewise used but not defined. KRS 161.028(2)(a)(1), to which no statutory definition of “teacher” applies, describes the composition of the Education Professional Standards Board as including “[e]ight (8) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms.” Teachers, in that section, are described as being “representative of … classrooms.” “School administrators,” meanwhile, are addressed as a separate group in subsection (2)(a)(2), and school principals are included in that category.

It is therefore our view that only those in teaching positions should elect or serve as “teacher” representatives on a superintendent screening committee. In the same manner, a “principal” under KRS 160.352(3) should be only a person actually serving as a school principal. If you have any questions, you may call this office at (502) 696-5622.

Yours very truly,

GREGORY D. STUMBO
ATTORNEY GENERAL



James M. Herrick
Assistant Attorney General

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